IN THE HIGH COURT OF JUDICATUE AT BOMBAY
NAGPUR BENCH, NAGPUR.

Criminal Application No. 1771 of 2007

Jagdish Subhash Shirsagar ..vs.. State of Maharashtra.

Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Courts or Judge's Orders.

Shri D.W. Khobragade, Advocate for applicant.
Shri Thakare, APP for State respondent.

CORAM : C. L. Pangarkar, J.
Dated : 13th August, 2007

Heard.

This is an application under Section 439 of Cr. P.C. The accused/applicant has been charged for the offence punishable under Section 302 of IPC. It is alleged that there was a civil dispute between inlaws of sister and the neighbour in respect of sharing well water. It is alleged that the accused persons obstructed deceased Vijay & Rajendra Hatwar and the present applicant took something from his pocket and inflicted injuries to the deceased Vijay and Rajendra, as a result of which both were died.

The learned counsel for the applicant submitted that this is a fit case where the present applicant should be released on bail because he had no intention to kill the deceased at all and since he is not at all concerned with the accused persons.

The order passed by Sessions Judge clearly shows that there were as many as 15 injuries on the deceased persons and there was evidence available that the accused and present applicant had assaulted the deceased with sharped weapon and PM report discloses that the deceased died as a result of haemorrhegic shock due to injuries suffered to the vital organ. Particularly when the trial has already commenced, the applicant does not deserve to be released on bail. The application is, therefore, rejected.

JUDGE

JSA.